

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 3/21/2013

Case Number 2:10-md-02187

Case Style: In Re: Bard vs.

Type of hearing Status Conference

Before the honorable: 2513-Goodwin

Court Reporter Lisa Cook

Courtroom Deputy Robin Clark

Attorney(s) for the Plaintiff or Government Henry Garrard, Carl Frankovitch

Attorney(s) for the Defendant(s) Barbara Binis, Robert Adams and Christy Jones

Law Clerk Kate Fife

Probation Officer

Trial Time

### Non-Trial Time

Pretrial conference (including settlement and telephone conferences).

### Court Time

10:10 am to 11:45 am

Total Court Time: 1 Hours 35 Minutes Non-Trial Time/Uncontested Time

### Courtroom Notes

Scheduled start time 10:00 a.m.

Actual start time 10:10 a.m.

### STATUS CONFERENCE

Chief Judge Goodwin, Magistrate Judge Stanley and Magistrate Judge Eifert presiding

2:10-md-2187 In Re: C. R. Bard, Inc., Pelvic Repair Systems Products Liability Litigation

2:12-md-2325 In Re: American Medical Systems, Inc., Pelvic Repair System Product Liability Litigation

2:12-md-2326 In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation

2:12-md-2327 In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation

2:12-md-2387 In Re: Coloplast Corp. Pelvic Support Systems Products Liability Litigation

### Counsel for parties present

Coordinating Co-lead counsel for Plaintiffs - Henry Garrard

Co-lead counsel for Boston Scientific MDL 2326 - Clayton Clark and Aimee Wagstaff

Co-lead counsel for American Medical Systems MDL 2325 - Amy Eskin and Fidelma Fitzpatrick

Co-lead counsel for Ethicon MDL 2327 - Renee Baggatt and Tom Cartmell

Co-Lead counsel for Coloplast MDL 2387 - Riley Burnett, Mark Mueller and Robert Salim

Plaintiffs executive committee: Bryan Aylstock, Henry Garrard, Fred Thompson, Tom Cartmell, Clayton Clark, Amy Eskin, Derek Potts and Aimee Wagstaff.

Plaintiffs Co-liaison counsel: Harry Bell and Carl Frankovitch

### Defendants

Lead counsel for C. R. Bard, Inc., MDL 2187 - Deb Moeller and Richard North

Lead counsel for American Medical Systems MDL 2325 - Barbara Binis

Lead counsel for Boston Scientific MDL 2326 - Jon Strongman

Lead counsel for Ethicon MDL 2327 - Christy Jones

Defendants Liaison counsel: David Thomas and Michael Farrell. Mark Williams defendants liaison counsel in the Bard

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MDL.

Lead Counsel for Coloplast MDL 2387 - Lana K. Varney

Lead Counsel for Mentor - Dustin B. Rawlin

Additional counsel present

Ronn Kreps, Deft Coloplast

Lori Cohen, Deft Bard

Edward Wallace, Pltfs counsel

Stephen McConnell, Deft AMS

Tom Craig, Deft Coloplast

Laura Yaeger, Pltfs counsel

Phil Combs, Defts counsel

Erik W. Legg, Defts counsel

Melissa Foster Bird, Counsel for Bard/Sofradim

Donna Brown Jacobs, Counsel for Ethicon/J&J

Elizabeth Taylor, Boston Scientific

PJ Cosgrove, Proxy

Bret Stanley, Pltfs

David Kuttles - Pltfs

Agenda

General & Specific MDL Issues - Judge Goodwin

Wisdom and status of tolling agreements

A 90 day tolling agreement is discussed

Coordinating additional filings to assist Clerk's Office staff

Additional MDL trial settings in 2014

Mr. Garrard addresses the trial schedule

Ms. Binis addresses the trial schedule

The court encourages the Pltfs and Defts to work together to coordinate a trial schedule

Innovative trial ideas

Stephen McConnell addresses innovative trial ideas

The court encourages lead counsel and liaison counsel to work together. Liaison counsel need to stay actively involved in the cases.

The court is open to innovative trial ideas.

Mr. Garrard provides and update on innovative trial ideas

Contact with State court judges

Ms. Fitzpatrick addresses this issue.

Ms. Binis also addresses the State court cases.

Agenda Issues for MDL 2325 American Medical Systems, Inc.

AMS Motion to Strike bellwethers designated by Pltfs; DENIED

Update on PTO 37

Ms. Binis provides an update

Update on Delaware and Minnesota consolidated cases

Boston Scientific motion to amend complaint is DENIED.

Agenda Issues for MDL 2327 Ethicon, Inc.

Foreign entity/Johnson & Johnson/Ethicon join and several liability stipulation

Mr. Cartmell provides an update

Ms. Jones also provides an update

Timing of amendments to master complaint

New Jersey update

Ms. Jones provides a brief update.

Agenda Issues for MDL 2387 Coloplast

Agreed stipulation and service of process of foreign defendants

Mr. Salim provides an update for the Pltfs

Status of early case assessment program

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Agenda Issues for MDL 2187 C. R. Bard, Inc.  
Status of trial setting  
No additional matters to discuss in C. R. Bard, Inc.,

General & Specific MDL Issues - Judge Stanley and Judge Eifert  
Designation of documents as confidential by Defts  
Mr. Garrard addresses this issue.  
Mr. North addresses this issue.  
A proposed order by the parties is discussed  
Ms. Jones agrees that a proposed order is necessary and can be provided  
Mr. Strongman is willing to work to find a solution.  
Mr. McConnell agrees to work to find a solution.  
Mr. Kreps also agrees to work on this matter.  
Mr. Garrard replies  
Method for utilization of documents across MDLs  
Judge Stanley suggests the parties make an amendment to the current protective order.

Agenda Issues for MDL 2325 American Medical Systems  
Pltfs' Motion to Compel outside US production of documents  
Pltfs' Motion to Compel document production and depositions  
Counsel provides an update on the status of the motions.  
The hearing will begin at 1:00 p.m. on March 21, 2013.

Agenda Issues for MDL 2327 Ethicon, Inc.  
Narrowing of products discovery  
Mr. Cartmell provides an update.  
Ms. Jones provides an update.  
The parties have not reached an agreement  
The parties will continue to work to find a resolution  
Production of outside US documents  
That parties have agreed on the priorities.

Agenda Issues for MDL 2326 Boston Scientific Corp  
Status of MDL discovery  
Mr. Strongman provides an update on depositions that are scheduled.  
Ms. Wagstaff agrees with Mr. Strongman.

Next Status Conference will be held on April 18, 2013 @ 1:00 p.m.  
End time 11:45 a.m.